

given the opportunity to work with the Vermont Institute for Math, Science and Technology on developing a handbook for understanding the Vermont framework of standards that is in place in our education system right now. And I found, through visiting other schools and talking to college-level people, that the Vermont frameworks are not understood by anyone, and they are the basis for our entire education system for the next decade.

I think that putting standards into education is asking a lot of students for a lot of things, especially the standards as high as these, and my concern is that, when students see standards for the first time, which won't be for a couple years, they are going to choke.

I come from CVU, which is a school where you have to do a standard-based project to graduate, and when this project first started off—the number was 88 percent of kids, three years ago, failed to meet the standards on their first time around. Had there not been a second chance to meet that standard, had it been like an exam for their final in the course, 88 percent of those kids, of a class of 200, would have stayed back and joined the class behind them.

Putting standards into schools is a good thing, to level the playing field and say, well, everyone's getting their education based around this one concept or these ideas. But putting it into such pass-fail stringencies and saying that they are a standard is going far beyond what should be done. And the setup for Vermont's framework of standards is based on a program that was started in Essex, I believe, and they want to work like a rubric for point systems, where it is not necessarily pass-fail.

The Vermont framework for standards is an excellent idea, it is a little vague in the English area, but I would like to see programs like it going up nationwide, because it would really make a difference in the education system as soon as it is fully implemented.

My biggest concern is that, once it is implemented, at what point do students find out about the standards that are expected to be met? I found out my junior year. I would have liked to have known my freshman year, and maybe earlier. This is one of the issues I brought up when I was working with VISMT on rewriting the handbook for understanding the standards, is that the students should know what is expected of them from day one, and the handbooks that I was given should be made available to everyone from, probably, 7th grade, or earlier, on. And parents should be kept informed of what the standards are from the time their child enters the school system until long after, because they should continue their role as an active member of the community to know what is being expected of their local students and how they can get involved to change that.

STATEMENT BY RHYS MARSH REGARDING ACT 60/FEDERAL EDUCATION FUNDING

Act 60 is one of the most controversial and monumental bills to pass the Vermont legislature in recent years. It comes in response to a 1996 decision by the Vermont Supreme Court which declared Vermont's system of education funding illegal according to the Vermont constitution.

The main purpose of Act 60 is therefore to equalize public school funding opportunities in the State of Vermont. Act 60 accomplishes this by introducing a statewide property tax of \$1.10 per \$100 of property value, which funds block grants of approximately \$5,000 per student for each local school district.

As all but 13 of Vermont's 252 towns are currently spending more than the \$5,000

block grant per student, towns are given the option of raising additional money for their schools through a local property tax. Under Act 60, the distribution of moneys raised through local taxes has been equalized as well. A tax increase of one cent per \$100 of property value in Vernon, which has a fair market property value of about \$9 million would obviously not yield as much money as a one cent increase would in Stowe, which has a fair market property value of \$769 million. Because of this discrepancy, so-called gold towns such as Stowe and Stratton must give some of their money raised through local taxes to the state. This has the effect of making a one cent tax increase in Stowe produce as much money for the school system as a one cent tax increase would produce in Vernon.

Opponents of the bill say Act 60 has put an unfair tax burden on the more wealthy towns, as they must now share their property tax dollars with other, poorer towns. Some also complain that less affluent families who own property in gold towns will be hurt by the tax increase those towns are likely to face.

However, Act 60 has, in reality, only given all Vermont students equal chance for education funding, regardless of geographical location. Before Act 60 was passed, property taxes varied immensely within the State of Vermont. For example, Stratton provided lavish funds to its schools with a tax rate of only 42 cents per \$100. However, in Standard, a grueling tax rate of \$4.39 per \$100 was necessary to provide adequate school funding. This means that property valued at \$100,000 in Stratton would be taxed only \$420, while, in Standard, the same property would be taxed \$4,390. Under Act 60, both properties will be taxed \$1,100, unless their towns decide to spend more than the \$5,000 per pupil block grants the state provides.

This means that the property-rich towns will now get the same bang for the buck as property-poor towns. Even if the gold towns continue to fund their schools at the current high levels, the property taxes will not increase the levels any greater than the rates some towns currently pay to send moderate moneys to their schools.

In addition, families with incomes of less than \$75,000 have been protected from the possible tax increases associated with Act 60, by capping their property taxes at between 3 and 5 percent of the household income. Act 60 has provided an effective and equitable solution to the problems of Vermont's property taxes and education funding.

However, the property tax is still a regressive tax, and there are still enough inequalities in the state and local taxes within the nation. While there is no stipulation in the Federal Constitution that requires equal education funding from state to state, increased equalized federal aid to states could help to ease the downfalls of the property tax and the funding inequities nationally.

Therefore, I believe the Federal Government should write new legislation based on the ideas behind Act 60 and increase the contributions to public education. This would help to distribute the wealth of the United States more homogeneously and improve school quality, especially in the nation's poorer school districts. It also would move more of the tax burden on Americans from the regressive and volatile local property tax to the progressive income tax of the Federal Government.

Act 60 has done wonders for Vermont. The United States of America could utilize the benefits of legislation similar to Act 60 on a national level, to reduce our reliance on regressive taxes and provide more equal funding for our nation's schools.

Thank you.

DEPARTMENTS OF VETERANS AFFAIRS AND HOUSING AND URBAN DEVELOPMENT, AND INDEPENDENT AGENCIES APPROPRIATIONS ACT, 1999

SPEECH OF

**HON. EARL POMEROY**

OF NORTH DAKOTA

IN THE HOUSE OF REPRESENTATIVES

*Friday, July 17, 1998*

The House in Committee of the Whole House on the State of the Union had under consideration the bill (H.R. 4194) making appropriations for the Departments of Veterans Affairs and Housing and Urban Development, and for sundry independent agencies, boards, commissions, corporations, and offices for the fiscal year ending September 30, 1999, and for other purposes:

Mr. POMEROY. Mr. Chairman, I rise in opposition to the Lazio Amendment to the VA-HUD Appropriations bill. While I supported H.R. 2, the housing reform bill when it was brought to the floor last year, I do not believe the appropriations bill before us in an appropriate vehicle to move the bill forward. I am supportive of reforming our public housing, however, reform needs to take place in the proper forum.

Attaching a complicated bill like H.R. 2 to an appropriations bill has the potential to delay critical funding for our nation's veterans, housing for low income families and other vital programs. Conference negotiations on the bill could even be delayed to the point of another government shutdown. After witnessing the negative effects of the government shutdown in 1995, we must ensure that we never face that situation again.

I have concerns about the provision in H.R. 2 dealing with the untested home rule provision. The home rule provision would essentially eliminate the role of housing authorities in any decision affecting Section 8 and public housing programs by turning the administration of these programs over to local governments. This and other modifications to public housing need to be thought through carefully. Unfortunately, an appropriations bill does not provide for that type of comprehensive consideration.

TRIBUTE TO FOCUS: HOPE

**HON. JOHN D. DINGELL**

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 23, 1998*

Mr. DINGELL. Mr. Speaker, I rise today to recognize an organization that is near and dear to my heart. They are celebrating their 30th anniversary this year and on July 25, 1998, they will celebrate another triumph over adversity as they cut the ribbon to re-open their resource center which was badly damaged last year by a tornado. This civil and human rights organization was created by my beloved friends Father William T. Cunningham (1930-1997) and Ms. Eleanor M. Josaitis, and since Father Cunningham's passing, Ms. Josaitis has valiantly continued their work assisting those in need in our community.

Its name is Focus: HOPE, and it unites our multi-cultural community with common efforts

to overcome injustice and build racial harmony. This organization is an important part of our great city of Detroit promoting social justice and practical solutions to the problems that plague our inner-cities like: hunger, economic disparity, inadequate education, and racial divisiveness. Focus: Hope combats these problems with technical training, educational and corporate partnerships, and food programs. These are not handouts but a helping hand to give people the tools and means to rejoin society.

This wonderful organization came into being as a result of the riots of 1967 which caused such turmoil in our community. Out of all this Focus: Hope was created like the Phoenix rising from the ashes to turn a city that was ravaged by civil disturbance and racism into a city that has so much to offer for everyone who lives within its borders—a city I am proud to call home.

Focus: Hope's food program helps feed and provide nutrition to pregnant women, postpartum mothers, children from infancy to six and senior citizens 60 years and older. It pays particular attention to at-risk mothers by providing free food, nutritional education and food demonstrations on how to prepare various dishes for the mother and her baby with the monthly food they receive.

Academic skills and job training are an important aspect of Focus: Hope's mission. Fast Track and First Step are two successful programs which help people get back on their feet and learn to advance into good paying technical jobs. First Step works to upgrade the math, communications and computer skills of trainees so that they may enroll in Fast Track or the Machinist Training Institute. Fast Track focuses on academic skills and the disciplines of high school to give folks the tools they need to pursue further technical training or higher educational pursuits.

Mr. Speaker, I would like to close by reading Focus: Hope's mission statement that describes so well what they have done, do and will continue to do hopefully for many more years to come.

"Recognizing the dignity and beauty of every person, we pledge intelligent and practical action to overcome racism, poverty and injustice, and to build a metropolitan community where all people may live in freedom, harmony, trust and affection. Black and white, yellow, brown and red from Detroit and its suburbs of every economic status, national origin and religious persuasion we join in this covenant."

Mr. Speaker, I ask that all my colleagues join me in paying tribute to this wonderful organization which gives people a second chance and also, gave the city of Detroit a second chance.

## SECURITIES LITIGATION UNIFORM STANDARDS ACT OF 1998

SPEECH OF

**HON. ROSA L. DeLAURO**

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

*Tuesday, July 21, 1998*

Ms. DeLAURO. Mr. Speaker, in the 104th Congress, I voted to pass the Private Securities Litigation Reform Act, which was signed into law. The purpose of the law was to re-

duce the number of frivolous lawsuits brought against companies or stock brokers for fraud.

The bill was aimed at stopping lawsuits by investors in high tech companies that didn't make as much money as expected. These lawsuits are so commonplace, that sometimes clients are even brought into the suit after the suit is filed by a legal representative.

High-tech companies, of which there are many in Connecticut, have volatile stocks and are particularly susceptible to such suits. These companies are often forced to settle with investors to avoid court costs.

Now we need to further refine the law for litigants who try to skirt the law by suing in state instead of federal court. We need one standard for all fifty states. I am pleased to offer my support for the Securities Litigation Uniform Standards Act, and I urge my colleagues to support this measure and close a frivolous lawsuit loophole.

## THE PATENT PROTECTION ACT OF 1998

**HON. J. DENNIS HASTERT**

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

*Thursday, July 23, 1998*

Mr. Mr. Speaker, I submit for the RECORD, a section-by-section analysis of H.R. 4250 the Patient Protection Act for my colleagues to review.

### THE PATENT PROTECTION ACT OF 1998

Section 1. Short Title And Table of Contents. This section provides for the short title, "Patient Protection Act of 1998" and a table of contents.

### TITLE I—AMENDMENTS TO THE EMPLOYEE RETIREMENT INCOME SECURITY ACT OF 1974

#### Subtitle A—Patient Protections

Section 1001. Patient Access to Unrestricted Medical Advice, Emergency Medical Care, Obstetric and Gynecological Care, and Pediatric Care.

Subsection (a). In General. This subsection amends subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 by adding a new Section 713, which follows.

Section 713. Patient Access to Unrestricted Medical Advice, Emergency Medical Care, Obstetric And Gynecological Care, Pediatric Care.

Subsection (a). Patient Access to Unrestricted Medical Advice. This subsection states that a group health plan or health insurance issuer may not prohibit or restrict health care professionals under contract from advising participants or beneficiaries about their health status or treatment, even if benefits for such care or treatment are not covered by the plan or health insurance. Health care professional is defined as a physician (section 1861(r) of the Social Security Act) or other health care professional whose services are provided under the group health plan. This includes a podiatrist, optometrist, chiropractor, psychologist, dentist, physician assistant, physical or occupational therapist and therapy assistant, speech language pathologist, audiologist, registered or licensed practical nurse (including nurse practitioner, clinical nurse specialist, certified registered nurse anesthetist, and certified nurse midwife), licensed certified social worker, registered respiratory therapist, and certified respiratory therapy technician.

Subsection (b). Patient Access to Emergency Medical Care. This subsection pro-

hibits group health plans or health insurance issuers from requiring beneficiaries to get preauthorization before seeking emergency medical services and requires them to cover emergency medical screening examinations obtained at any emergency medical care facility, whether in or outside a plan's network of affiliated providers, if a prudent layperson with an average knowledge of health and medicine would judge the examination necessary in order to determine whether emergency medical care is needed. The plan or issuer must provide additional emergency medical services to the extent a prudent emergency medical professional determines necessary to avoid the consequences described in section 503(b)(8)(I) of ERISA as amended by this Act. These requirements apply to the extent the group health plan or health insurance issuer covers emergency medical care benefits (as defined in section 503(b)(8)(I) of ERISA as amended by this Act), except for items or services specifically excluded; and to items or services within the capability of the emergency facility, including routinely available ancillary services. This subsection does not prevent a group health plan or issuer from imposing any form of cost-sharing for emergency medical services so long as the cost-sharing is uniformly applied.

Subsection (c). Patient Access to Obstetric and Gynecological Care. If the group health plan or health insurance issuer covers routine gynecological or obstetric care by a participating physician specializing in such care, and the participant's designated primary care provider is not such a specialist, authorization or referral by a primary care provider must not be required for routine gynecological or obstetric care. Ordering of other similar routine gynecological or obstetric care by such a participating specialist is treated as authorized by the primary care provider. Plan requirements relating to medical necessity or appropriateness for obstetric and gynecological care will be allowed.

Subsection (d). Patient Access to Pediatric Care. This subsection states that if the group health plan or health insurance issuer covers routine pediatric care, and requires the designation of a primary care provider, the parent or guardian of any plan beneficiary under 18 years of age may designate a participating physician who specializes in pediatrics, if available, as the primary care provider. Plan requirements relating to medical necessity or appropriateness for pediatric care will be allowed.

Subsection (e). Treatment of Multiple Coverage Options. This subsection requires plans that have two or more coverage options to provide patient access to obstetric and gynecological care and pediatric care as defined in subsections (c) and (d) under each option.

Subsection (b). Conforming Amendment. This subsection simply amends the table of contents of the Employee Retirement Income Security Act of 1974.

Section 1002. Effective Date and Related Rules.

Subsection (a). In General. This subsection states that the amendments made by Subtitle A will apply with respect to plan years beginning on or after January 1 of the second calendar year following the date of the enactment of the Act. The Secretary is also required to issue all necessary regulations before the effective date.

Subsection (b). Limitation on Enforcement Actions. If the group health plan or health insurance issuer has sought to comply in good faith with the amendments of Subtitle A, no enforcement action shall be taken against a plan or issuer for violating a requirement imposed by the amendments before implementing regulations are issued.

Subsection (c). Special Rule for Collective Bargaining Agreements. If a group health